

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSEM ABULKHAIR,

Plaintiff,

-against-

THE FEDERAL BUREAU OF
INVESTIGATION, ET AL.,

Defendants.

24-CV-2151 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se* and *in forma pauperis*. By order dated May 22, 2024, the Court dismissed the complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). On June 18, 2024, Plaintiff filed motion for reconsideration, and on June 20, 2024, he filed a notice of appeal to the United States Court of Appeals for the Second Circuit. By order dated July 3, 2024, the Court denied Plaintiff's motion for reconsideration. (ECF 8.)

On July 17, 2024, Plaintiff filed a “Notice of Motion to File Corrected Complaint” in this closed action, in which he sought permission to file a “corrected complaint to be reviewed by the appellate court.” (ECF 11, at 1.) Along with the motion, Plaintiff filed a proposed 164-page amended complaint.

The Court has previously denied Plaintiff leave to file an amended complaint because leave to amend is not required where it would be futile, and the defects in Plaintiff's complaint could not be cured with an amendment. (*See* ECF 4, at 8.) For this same reason, the Court denies Plaintiff's request to file a “corrected complaint” in this closed action. (ECF 11.)

CONCLUSION

The Court denies Plaintiff's request to file a “corrected complaint.” (ECF 11.) This action is closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 16, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge